

Notice of Allowability

Application No.

10/730,021

Examiner

Thong Q. Nguyen

Applicant(s)

OBREBSKI ET AL.

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 2/22/07 and the Interview of 3/13/07.
2. ☒ The allowed claim(s) is/are 15-16, 20 and 35-44 which are renumbered as claims 1-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 3/13/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

THONG NGUYEN
PRIMARY EXAMINER

DETAILED ACTION

Response to Amendment

1. The present Office action is made in response to the amendment filed on 2/22/2007. It is noted that in the amendment, applicant has amended claim 16 and canceled claim 45. The pending claims are claims 13-33 and 35-44. Note that claims 1-12 and 34 were canceled in the amendment of 6/27/05.

Election/Restrictions

2. Claim 16 is allowable. The restriction requirement species (I) and (II), as set forth in the Office action mailed on 12/14/05, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 37-39, directed to species (I) are no longer withdrawn from consideration because the claims require all the limitations of an allowable claim. However, claims 13-14, 17-19 and 21-33, directed to different inventions are still withdrawn from consideration because the claims do not have all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Art Unit: 2872

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Claim Objections

3. The objections to claims 35-36 and 40-42 set forth in the previous Office action are now withdrawn. A further review of the claims has resulted that the features recited in the claim 35 has an antecedent basis from the specification.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven M. duBois on 3/13/2007.

The application has been amended as follows:

In the claims:

- a) CANCELED CLAIMS 13-14, 17-19 and 21-33.
- b) Changed the status indicator of each of claims 37-39 from
"(Withdrawn)" to --(Previously Presented)--.

Allowable Subject Matter

- 5. Claims 15-16, 20, and 35-44 allowed.
- 6. The following is an examiner's statement of reasons for allowance:

a) The microscope as recited in each of claim 15 and claim 43 is patentable with respect to the cited art by the limitations related to the structural relationship among the power supply and the pivotal arms of the microscope. It is noted that while the use of a microscope having a support comprises a plurality of pivotal arms and a power supply for providing light to a microscope is known to one skilled in the art as can be seen in the U.S. Patent Nos. 5,048,941; 3,776,614; 6,493,134 and 4,321,917; however, the cited art does not disclose that the power supply comprises a contact rail disposed on a first arm and a sliding contact disposed adjacent to the contact rail wherein the sliding contact is disposed on a second arm which arms are pivotally connected to each other as claimed.

b) The microscope as recited in each of claim 20 and claim 44 is patentable with respect to the cited art by the limitations related to the structural relationship among the power supply and the base of the stand supporting the microscope. It is noted that while the use of a microscope having a stand support a microscope and a control system having a power supply wherein the base of the stand and the control system are located on a floor of a room is known to one skilled in the art as can be seen in the U.S. Patent Nos. 5,048,941; 5,074,651 and 4,912,388; however, the cited art does not disclose that the power supply comprises an induction transmitter disposed on or in the floor of the room and the base comprises an induction receiver in communication with the induction transmitter to supply electrical current to a device located in the microscope.

Art Unit: 2872

c) The microscope as recited in claim 16 is patentable with respect to the cited art by the limitations related to the structural relationship among the power supply and the stand supporting the microscope. It is noted that while the use of a microscope having a stand having a plurality of removable portions supporting different set of powers supplies and rotating connected arms support a microscope is known to one skilled in the art as can be seen in the U.S. Patent Nos. 5,048,941; however, the cited art does not disclose that the mechanically supporting component of the stand forms path of a current path to and from the device powered by electrical current is a portion of pivotally connected arms and the current flows through the mentioned portion of the pivotal connected arms as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

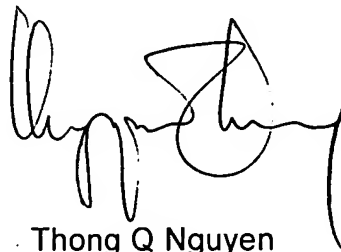
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on (571) 272-2434. The fax phone

Art Unit: 2872

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Thong Q. Nguyen', is positioned above the printed name and title.

Thong Q Nguyen
Primary Examiner
Art Unit 2872
